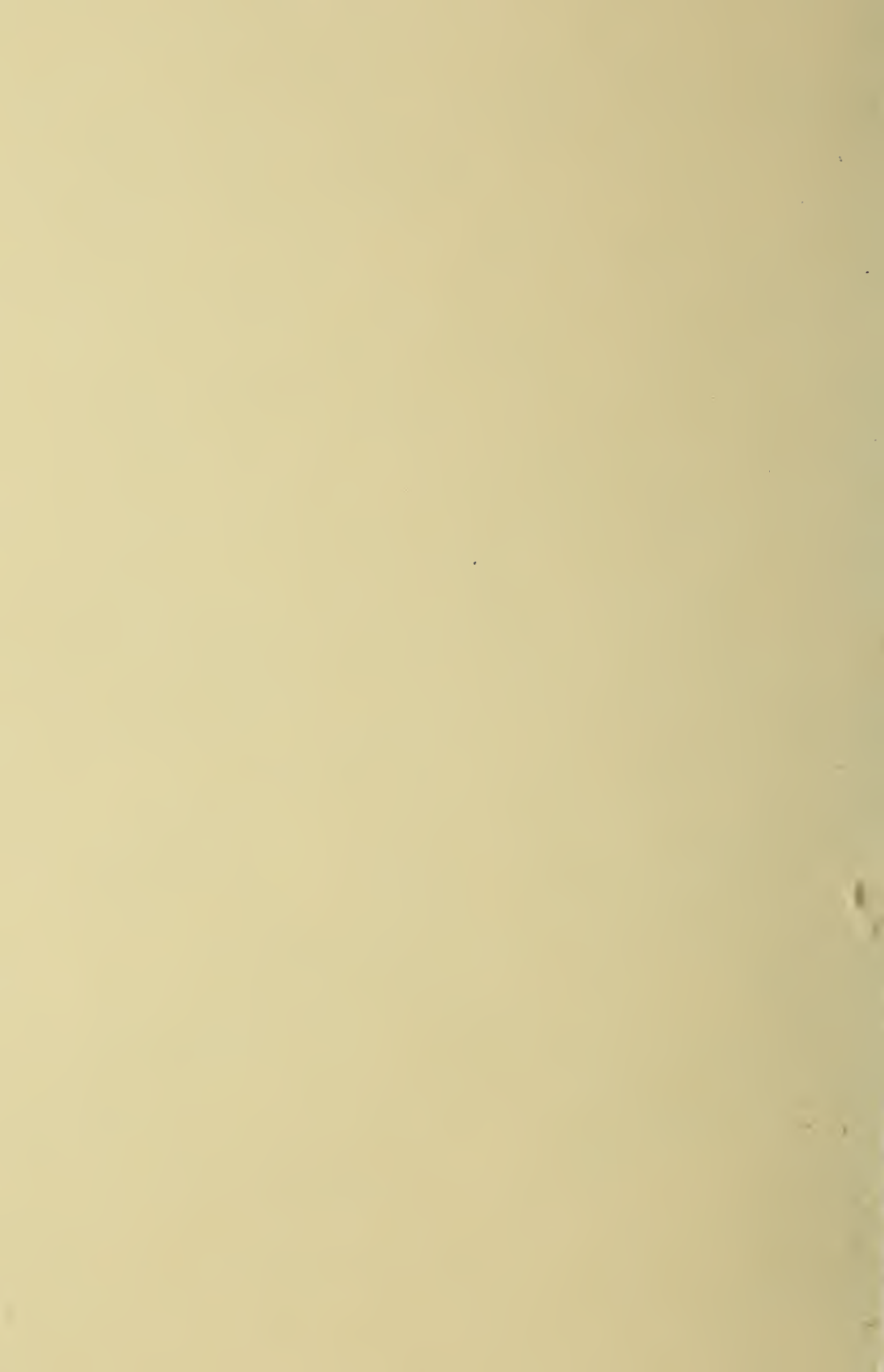


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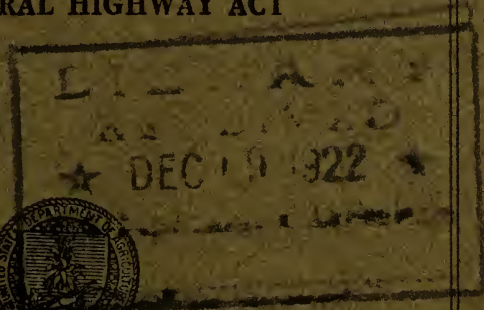
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RULES AND REGULATIONS
OF THE
SECRETARY OF AGRICULTURE
FOR ADMINISTERING
FOREST ROADS *and* TRAILS

UNDER THE PROVISIONS OF
THE FEDERAL HIGHWAY ACT



WASHINGTON
GOVERNMENT PRINTING OFFICE
1922



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1980
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Rules and Regulations for Administering Forest Roads and Trails.

Basis

That portion of section 2 of the Federal highway act, approved November 9, 1921, which defines the term "forest roads," all of section 23 of the said act, and such other portions of the act as apply to forest roads.

Regulation 1. Definitions

For the purpose of these regulations the following terms shall be construed, respectively, to mean:

SECTION 1. *Secretary*.—The Secretary of Agriculture of the United States.

SEC. 2. *Bureau*.—Bureau of Public Roads of the Department of Agriculture.

SEC. 3. *State*.—Any State, Territory, or insular possession.

SEC. 4. *State highway department*.—As defined in the act.

SEC. 5. *County authorities*.—The commissioners, supervisors, or officials in charge of the selection of roads in a county, road district, or town, and the expenditure of county funds for road building and maintenance.

SEC. 6. *Forest roads*.—Roads wholly or partly within or adjacent to and serving the national forests.

SEC. 7. *Forest highway fund*.—The appropriation made by the act for forest roads of primary importance to the State, counties, or communities within, adjoining, or

adjacent to the national forests, to be known as forest highways.

SEC. 8. *Forest development fund.*—The appropriation made by the act for roads and trails of primary importance for the protection, administration, and utilization of the national forests or when necessary for the use and development of the resources upon which communities within or adjacent to the national forests are dependent, to be known as forest development roads.

SEC. 9. *Construction.*—Reconstruction and improvement of roads as well as original construction.

SEC. 10. *Maintenance.*—The making of necessary repairs and the preservation of a reasonably smooth surface, considering the type of road, but not extraordinary repairs or reconstruction.

SEC. 11. *Major project.*—A road whose survey and construction shall be prosecuted under the supervision of the bureau. This term includes all road projects on the forest highway system except those—

- (1) Which do not require the technical services of a highway engineering organization;
- (2) Whose estimated average cost is less than \$2,000 per mile.

The term includes forest development roads whose estimated average cost exceeds \$5,000 per mile, or which require the technical services of a highway engineering organization.

SEC. 12. *Minor project.*—A road whose survey and construction shall be prosecuted under the supervision of the Forest Service. This term includes all trails and all roads not comprised within the definition of major project.

Regulation 2. Apportionment

SECTION 1. From such information, investigations, and sources as the Forester shall deem most accurate he shall prepare a tabulation showing the areas and value of the national forest land in each State, including the value of forage and timber. This tabulation, if approved by the Secretary, shall serve as the basis of apportionment for the forest highway fund.

SEC. 2. The Secretary, after considering the recommendations of the Forester, will apportion the forest highway fund for expenditure within the States as follows: One-half in the ratio that the area of national forest land in any State bears to the total area of such land in all States and one-half in the ratio that the value of national forest land in any State bears to the total value of such land in all States.

SEC. 3. The Forester shall prepare a tabulation for the distribution of the forest development fund for expenditure within the States based on the relative needs of the various national forests, taking into consideration the existing transportation facilities, the value of timber or other resources served, relative fire danger, and comparative difficulties of road and trail construction. This tabulation, if approved by the Secretary, shall constitute the apportionment of this fund for expenditure within the States.

SEC. 4. Ten per cent of the amount apportioned for expenditure within each State from the forest highway fund shall be set aside for allotment for administrative expenses of the bureau and the Forest Service and for the purchase and maintenance of equipment. The portion of the amounts set aside not required for these purposes will be returned to funds for construction purposes.

SEC. 5. After deduction of the amounts set aside for administration and equipment expenses, the forest highway fund apportioned to the several States shall be available for expenditure on the survey, construction and maintenance of approved projects on the forest highway system.

SEC. 6. The apportionment for expenditure in each State from the forest development fund shall be available for administrative and equipment expenses of both bureaus, for the construction of major projects recommended by the Forester and approved by the Secretary, and for minor project work as approved by the Forester.

Regulation 3. Selection of Forest Highway and Forest Development Road Systems

SECTION 1. Forest roads shall be classified as follows:

- (1) Forest highways, comprising the forest highway system.
- (2) Forest development roads, comprising the forest development road system.

SEC. 2. Forest highways will include:

- (1) All existing and proposed roads, or parts of roads, which are necessary sections or extensions of the Federal aid system wholly within the national forests.
- (2) Other existing and proposed roads, or parts of roads, which are sections or extensions of the Federal aid system and partly within or adjacent to and serving the national forests and which may be designated as forest roads by the Forester and the chief of the bureau.
- (3) Other existing or proposed forest roads of primary importance to counties or communities.

SEC. 3. Forest development roads shall include all other existing or proposed roads within or adjacent to and serv-

ing the national forests and designated as forest roads by the Forester. A record of all roads designated as forest development roads will be furnished to the bureau.

SEC. 4. The bureau, acting for the Secretary, shall request each State highway department to submit a map of the roads within and adjacent to the national forests which in its judgment should be included in the forest highway system, of primary importance to the State, or to the counties, or communities thereof. Each State highway department shall be requested, before submitting such a plan, to secure and consider recommendations from the proper county road officials as to forest highways of primary importance to the counties and communities. The district engineers of the bureau will file together with their recommendations copies of the map with the district forester.

SEC. 5. Each district forester of the Forest Service shall prepare for the national forests in each State or portion of State within his district maps showing the existing and proposed roads within, adjoining, and adjacent to the forests classified as to status, type, and function. This plan shall be based upon the primary road system proposed by the State highway department. It shall show in which of the following classes, in the judgment of the district forester, each proposed forest road should be included:

(1) Forest highway system, classified as in section 2, regulation 3.

(2) Forest development road system.

Trails, maintenance work, and minor repairs and construction estimated to cost less than \$500 per mile will not be included on such maps.

The plan shall be revised annually in accordance with the above procedure.

SEC. 6. The bureau, acting for the Secretary, shall arrange a conference with the State highway department and the Forest Service for consideration of the forest highway system proposed by the State highway department and the district forester. Following such conference final recommendations for the designation of a forest highway system shall be submitted to the Secretary by the chief of the bureau and the Forester.

SEC. 7. The forest highway system may be added to or revised by the action of both bureaus, following the procedure herein provided for the original designation of the system.

SEC. 8. The forest development road system shall be added to or revised as the forester shall prescribe.

Regulation 4. Selection of Forest Highway and Forest Development Programs

SECTION 1. The chief of the bureau and the Forester shall, following the recommendations from their district representatives, prepare and submit to the Secretary a list of the forest highway projects selected for the initial (fiscal years 1922 and 1923) forest highway program. The program shall include provision for the maintenance of roads existing or under construction. This list shall set forth the location, available cooperation if any, whether major or minor, and the tentative expenditure authorized from the forest highway and other available forest-road funds. Upon the approval of such projects, or any of them, by the Secretary, they shall be included in the forest highway program.

SEC. 2. Subsequent projects to be incorporated in the forest highway program shall be selected as follows:

All projects proposed by counties, communities, or other agencies shall be submitted to the State highway department. The bureau, acting for the Secretary, shall request each State highway department to submit a list of proposed projects, including its recommendations on all projects submitted to it by counties or other agencies. All projects shall be submitted as far as practicable on forms furnished by the Secretary.

SEC. 3. The recommendations of the bureau on all projects received from the State highway department shall be furnished to the district forester and the State highway department. The district forester shall investigate any proposed projects coming within the requirements of the forest highway fund, including those submitted by county authorities, communities, or other agencies to the State highway department. The district forester shall call upon the district engineer of the bureau for any necessary engineering investigations to supply accurate and full information with reference to proposed State or county projects. The district engineer shall arrange for joint conferences with the State highway department and the district forester for final consideration of the program. A joint report shall be filed with the Forester and the chief of the bureau, together with such additional recommendations as their respective representatives may wish to make, following which the Forester and the chief of the bureau will submit a program of recommended forest highway projects to the Secretary for approval, classified as major and minor. The forest highway program may be added to and modified from time to time, following the same procedure. The program shall include provision for the maintenance of roads existing or under construction.

SEC. 4. The selection of forest highways for improvement or construction shall include only those which qualify under section 2, regulation 3.

SEC. 5. The forest highway program shall be based upon the following considerations:

(1) Construction correlation with adjacent Federal and State road programs.

(2) The interests of communities within, adjoining, or adjacent to the national forests.

(3) Service to the national forests by increasing their value and usefulness.

(4) The economy of continuity of operations.

(5) Benefit to forest development, protection, and administration.

(6) Amount of available cooperative funds.

SEC. 6. The district forester shall prepare and submit for approval by the Forester and Secretary a list of forest development roads which constitute major projects. This list shall set forth location, available cooperation if any, and authorized expenditure from the forest development or other available funds. Upon the approval of such projects, or any of them, by the Secretary, they shall be included in the forest development program. The selection of forest development roads and trails constituting minor projects shall rest with the forester.

Regulation 5. Cooperative Agreements

SECTION 1. Cooperation from the State highway department, county authorities, or other agencies, associations, or individuals shall not be required but may be accepted.

Cooperative agreements shall be entered into for all projects which involve financial contributions to surveys,

construction or maintenance by the State highway departments or county authorities, and shall be approved prior to beginning survey or construction as the case may be.

SEC. 2. Negotiations for cooperative agreements for approved forest highway projects of the first two classes under section 2, regulation 3, shall be conducted by the bureau, following an agreement with the Forest Service as to financial cooperation, if any, and maintenance. The detailed provisions of the agreements shall be those agreed upon by the bureau and the State highway department. All agreements for construction shall be based upon location survey estimates and shall be prepared on forms furnished by the Secretary for execution by the Secretary and the State highway department.

SEC. 3. Negotiations for cooperative agreements for other forest road projects shall be conducted by the Forest Service, after consultation with the bureau as to their technical and financial features. The detailed provisions of the agreement shall be those agreed upon by the Forest Service and the cooperating agency. All such agreements for the construction of major projects shall be based upon survey estimates prepared by the bureau and shall be prepared for execution by the Secretary and the cooperating agency. Agreements for minor projects shall be executed by the Forester or district forester of the Forest Service and the cooperating agency.

Regulation 6. Surveys, Construction, and Maintenance

SECTION 1. The survey and construction of minor projects included in the forest highway and forest development programs shall proceed under the direction of

the Forest Service. On roads that may ultimately be improved to constitute part of an important public highway, a reconnaissance survey shall be made by the bureau, and all construction shall follow the location so determined as closely as practicable.

SEC. 2. A location survey and estimate of cost of major projects included in the forest highway and forest development programs, under allotments set up as provided in regulation 7, shall be made by the bureau as soon as practicable.

SEC. 3. Construction work on any major project included in the forest highway or forest development program shall not be authorized or undertaken until a location survey and cost estimate satisfactory to the bureau has been made by the bureau, unless specifically agreed upon by the Forester and the chief of the bureau.

SEC. 4. Upon the completion of such survey and cost estimate, the construction of a designated project, conforming with the original project or forming a part thereof, at a designated cost not exceeding by more than 25 per cent the expenditure authorized in the forest highway or forest development program, may be authorized by joint agreement of the chief of the bureau and the Forester. Construction projects substantially deviating from the project as approved in the forest highway or forest development programs or which exceed by more than 25 per cent the expenditure authorized therein shall be submitted by the chief of the bureau and the Forester to the Secretary for approval.

SEC. 5. Following the authorization of any major construction project as provided in this regulation, the bureau shall proceed with its construction under an allotment set up as provided in regulation 7.

SEC. 6. The construction of projects on all national forest highways of classes 1 and 2 of regulation 3, section 2, shall be in accordance with plans and specifications prepared under the direction of the bureau. Such construction shall not be started until the plans and specifications have been approved by the bureau and by the State highway department, and until the district forester has had opportunity to examine the location map or surveyed line and to indicate any details of location desirable for the protection or development of the national forests.

The construction of all other major projects under the direction of the bureau shall be in accordance with the plans and specifications prepared by the bureau and approved by the Forest Service and each cooperating agency.

SEC. 7. The construction of minor projects shall be in accordance with the specifications approved by the Forest Service and such cooperating agency as may be involved.

SEC. 8. Construction work on national forest highways of classes 1 and 2 of regulation 3, section 2, shall not be considered complete until the project has been inspected and approved by the bureau and the State highway department, nor until the district forester has approved the clearing and disposal of refuse. No other construction work on major projects shall be accepted as complete by the bureau until it has been inspected and approved by the district forester and the cooperator.

SEC. 9. Maintenance work on all forest highways shall be performed by the bureau unless otherwise specified by agreement. The maintenance of all other road and trail projects shall be performed by the Forest Service unless otherwise provided by cooperative agreement.

Regulation 7. Records and Accounting

SECTION 1. Following the approval of the initial forest highway program for any State and of any subsequent projects or group of projects included therein, a lump sum allotment shall be set up by the Forest Service with the district fiscal agent of the Forest Service for disbursement on vouchers approved by authorized officers of the bureau covering:

(1) The authorized expenditures of all approved major projects.

(2) The current cost of maintenance on all projects to be maintained by the bureau, as estimated by the bureau.

(3) Nine per cent of the sum of Nos. 1 and 2 for overhead expenses and equipment.

Such allotments shall be drawn from any available road appropriation applicable under existing law and regulation of the Secretary to the projects concerned. Upon agreement between the chief of bureau and the forester to authorize construction of a project, as provided in section 4 of regulation 6, necessary additions to or deductions from the allotment previously set up shall be made. The bureau is authorized to make transfers between construction project allotments not exceeding 10 per cent of any allotment so reduced or increased. Transfers of more than 10 per cent may be made with the concurrence of the Forest Service. Any unused balances under such allotment shall be made available for subsequent program work.

SEC. 2. Following the approval of the forest development road program for any State or subsequent development projects in that State, a similar allotment covering major projects so approved shall be set up for disburse-

ment on vouchers approved by the bureau, and a similar procedure followed in subsequent adjustments or transfers.

SEC. 3. Corresponding allotments shall be set up by the Forest Service with the district fiscal agents of the service covering approved minor projects and the expenditures of the Forest Service for administration and maintenance.

SEC. 4. The Forester shall be responsible for maintaining an accurate fiscal record of the status of all appropriations for national forest roads and all expenditures and allotments thereunder for administration, equipment, surveys, construction, and maintenance.

SEC. 5. As soon as practicable after the end of each fiscal year the Forest Service shall prepare a report to the Secretary showing the work accomplished in each State on forest development roads and the disbursements made therefor. For the purpose of this report the bureau shall furnish to the Forest Service information regarding the work accomplished on any forest development roads under the direction of the bureau. The bureau shall also furnish to the Forest Service a copy of each monthly statement exhibiting the progress of all its construction and the financial status of each project.

As soon as practicable after the end of each fiscal year the bureau shall also report to the Secretary the work done on national forest highways in each State and the disbursements made therefor.

SEC. 6. Cooperative funds deposited in the United States Treasury shall be placed in the appropriation "Cooperative work, Forest Service," authorized by act of Congress of June 30, 1914 (38 Stat., 415, 430), and shall be audited, disbursed, and recorded in the same manner

as funds under the act. Cooperative funds not deposited in the Treasury shall be audited and disbursed as provided in the cooperative agreement.

SEC. 7. The bureau shall keep all records which it deems necessary of survey, construction, and maintenance costs on major projects supervised by it. The bureau shall furnish the Forest Service with a final report showing the accomplishments and expenditures on each project constructed by it, and on the projects constructed under a cooperative agreement a copy of the report will be furnished by the bureau to the cooperating agency.



